

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

Claims 1-8: Canceled

9. (previously presented) A method of managing communications in a wireless network, the method comprising:

measuring an aggregate energy-to-interference of an air interface, the aggregate energy-to-interference being between a base station and a plurality of mobile stations;

(i) based on the aggregate energy-to-interference of the air interface being greater than an aggregate set point:

selecting a first data rate for signals transmitted from the base station to the plurality of mobile stations; and

causing the signals from the base station to the plurality of the mobile stations to be transmitted at the first data rate;

(ii) based on the aggregate energy-to-interference of the air interface being less than the aggregate set point:

measuring an energy-to-interference of the air interface, the energy-to-interference being between the base station and one of the plurality of mobile stations;

(a) based on the energy-to-interference of the air interface being less than an individualized set-point:

selecting a transmit power for the signals transmitted from the base station to the one of the plurality of mobile stations; and

causing communications from the base station to the one of the plurality of mobile stations to be at the transmit power; and

(b) based on the energy-to-interference of the air interface being greater than the individualized set-point:

selecting a second data rate for signals transmitted from the base station to the one of the plurality of mobile stations; and

causing the signals from the base station to the one of the plurality of mobile stations to be transmitted at the second data rate.

10. (original) The method of claim 9, further comprising instructing the plurality of mobile stations to transmit at the first data rate whereby the plurality of mobile stations responsively transmits at the first data rate.

11. (original) The method of claim 9, further comprising instructing the one of the plurality of mobile stations to transmit at the second data rate whereby the one of the plurality of mobile stations responsively transmits at the second data rate.

12. (original) The method of claim 9, further comprising causing the signals transmitted from the one of the plurality of mobile stations to the base transceiver station to be at the transmit power whereby the one of the plurality of mobile stations responsively transmits at the transmit power.

13. (original) The method of claim 9, wherein the first data rate and the second data rate are selected to be less than a full data rate of a vocoder.

14. (original) The method of claim 9 wherein measuring the aggregate energy-to-interference of the air interface comprises measuring the aggregate energy-to-interference of a reverse link channel of the air interface.

15. (original) The method of claim 9, wherein measuring the energy-to-interference of the air interface comprises measuring the energy-to-interference over a reverse link channel of the air interface.

16. (original) The method of claim 9, wherein the aggregate set point is -8dBm .

17. (original) The method of claim 9, wherein the individualized set point is -8 dBm .

Claims 18-26: Canceled